THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 24114 of 2006

Date: 23.11.2006

Between:

R. Hanumantha Rao, S/o Sambasiva Rao, aged 42 years, R/o Yerra Balem (P), Mangalagiri Mandal, Guntur District.

.... PETITIONER

AND

A.P. Southern Power Distribution Company Limited, rep. by its Managing Director, Tirupathi and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 24114 of 2006

Order:

In this writ petition, the petitioner has prayed for quashing communication dated 22.08.2006, whereby the 2nd respondent-Superintending Engineer, Operation Circle, Andhra Pradesh Southern Power Distribution Company Limited (hereinafter described as 'APSPDCL') rejected his candidature for appointment to the post of L.D.C., advertised vide notification dated 14.05.2001, on the ground that the service certificate is not tallied with the agreements and check measurements.

2. When the matter is taken up for admission, it is represented by the learned Standing Counsel for the respondents-APSPDCL as well as the learned counsel for the petitioner that the subject matter of this writ petition is squarely covered by the orders of this Court passed in W.P. No. 19736 of 2006 and batch, dated 14.11.2006, wherein this Court considered similar issue and held thus.

> "As a sequel to the above, I hold that the rejection of the candidature of the petitioners is illegal, arbitrary and violative of the petitioners' fundamental right to equality in the matter of employment guaranteed under Article 16 of the Constitution.
>
> In the result, the writ petitions are allowed. Communications dated 22.08.2006 issued by respondent No.2 rejecting the candidature of the petitioners for the posts specified therein are quashed. The officer concerned is directed to reconsider the candidature of the petitioners and pass appropriate order in accordance with the relevant rules and instructions within a period of two months.
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> The petitioners are given liberty to submit representations before respondent No.2 within a period of three weeks from today giving the agreement numbers and

M-books evidencing their performance as contract labours during the particular period. The officer concerned must examine each case on its merits and then take decision on the eligibility and entitlement or otherwise of the petitioners to be appointed against the advertised posts and pass reasoned orders.

While disposing of the writ petitions in the manner indicated above, I make it clear that the petitioners shall be free to file applications under Right to Information Act, 2005 and seek particulars of Measurement Books from the concerned authority of the Corporation.

As a sequel to disposal of the writ petitions, W.P.M.P.Nos.24917, 24918, 24919, 24920, 24950, 24985, 24989, 24990, 24991, 25001, 25006, 25130 and 25137 of 2006 filed by the petitioners for interim relief are disposed of as infructuous."

3. Following the same, this writ petition is also disposed of on the same terms. No costs.

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N.V. RAMANA, J.

Date: 23.11.2006
NSR/GRR